

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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STEVEN McCUNE,

Docket No.: CV-14-4431 (ST)

Plaintiff

-against-

COUNTY OF SUFFOLK, COUNTY OF SUFFOLK
POLICE DEPARTMENT, POLICE OFFICER JOHN
A. KURKLEN, in his individual and official capacity,
POLICE OFFICER MICHAEL S. TURANSKY, in his
individual and official capacity, POLICE OFFICER
CHRISTOPHER M. ZUCCARELLO, in his individual
and official capacity, POLICE OFFICER JOHN A.
VOHS, in his individual and official capacity, and
POLICE OFFICER "JOHN" AND "JANE" DOES
1-10, Shield Nos. Unknown, individually and in
their official capacities, as police officers of the
COUNTY OF SUFFOLK POLICE DEPARTMENT

Defendants.

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PLAINTIFF'S PROPOSED VOIR DIRE

Demographic Information Regarding Jurors

Where does each juror live?

Describe the racial demographics of the neighborhood where each juror resides.

Do the jurors have children? What are the ages of the children? And what schools do they attend?

What is the level of education of the jurors? If the jurors attended college, what colleges?

Do jurors hold a degree or any certificates in education?

What is the work experience of jurors?

What is the marital status of each juror?

What is the work experience and position of the spouse of each juror?

Of jurors' children who are of working age, what are their work experiences and professions?

Are any of the children police officers or employees of the County of Suffolk?

What newspapers and or publications does each juror read?

Are any jurors active in any political parties?

Are any jurors officers or officials in any political party?

Are any of the jurors employed by the County of Suffolk or any agency of the County of Suffolk?

Are any of the jurors employed by any political party?

Are any of the jurors employed by any governmental agency?

Prior Jury Service

Have any jurors served in a civil case?

Have any jurors served in a criminal case?

Were any of the jurors jury foremen/forewomen?

Result of trials: Civil Verdict (for Plaintiff/for Defendant/no verdict); Criminal Verdict (acquittal/guilty/no verdict) Will anything about your involvement in that case affect the juror's ability to sit in this case?

Experience with Justice System

Have the jurors ever been a witnesses?

Have the jurors ever been investigators?

Have the jurors ever been parties to a litigation? If so state specifically how involved?

Have the jurors ever been victims of crimes?

Has a member of your family/close friend ever been a victim of a crime?

Do jurors have friends or relatives who are attorneys?

Have jurors ever been members of grand jury associations?

Have jurors ever been members of grand juries?

Have jurors ever belonged to unions?

Health Concerns

Does any juror have any health problems that would make it difficult for him/her to be a juror in this case?

Does any juror have eyesight problems? Does any of the jurors have hearing problems?

Are any of the jurors suffering from physical problems, which make it difficult to sit for any extended period of time?

Are any of the jurors suffering any emotional problems/situations, which would make it difficult for the juror to concentrate on someone else's problems, and to sit and listen to evidence for a period of time?

Personal Problems

Does any juror have personal problems, such as pending divorce, bankruptcy, etc., which would make it difficult to sit and consider evidence and to concentrate for a period of time?

Are there any illnesses in the family/hospitalizations or other such known situations which would be distracting to a juror and therefore make it difficult to concentrate and consider evidence in this case?

Relationship with Persons in the Case/Potential Witnesses/Counsel

The following witnesses may be called in this case:

1. STEVEN MCCUNE
2. POLICE OFFICER JOHN A. KURKLEN, Shield #5270
3. POLICE OFFICER MICHAEL S. TURANSKY, Shield #5325
4. POLICE OFFICER CHRISTOPHER M. ZUCCARELLO, Shield #5348
5. DETECTIVE JOHN A. VOHS, Shield #1193
6. POLICE OFFICER DENNIS HENDRICKSON, Shield #5441
7. POLICE OFFICER VINCENT TERMINE
8. SGT. MICHAEL RAFFERTY, Shield #5441
9. POLICE OFFICER THOMAS LAFEMIA, Shield #5754
10. POLICE OFFICER CHRISTOPHER ZUCCARELLO, Shield #5348
11. POLICE OFFICER MICHAEL MCCABE, Shield #4577
12. JASON BASSETT, ESQ.
13. MATTHEW RUTMAN, D.O.
14. SUZANNE ABRAMS, R.N.
15. DONALD FAGELMAN, M.D.

16. ROBERT PRICHEP, M.D.
17. DAVID MALAKA, M.D.
18. ERIC PRICE, M.D.
19. SHREYAS MISTRY, M.D.
20. ROBERT ZORN, M.D.
21. KEITH KRAMER
22. PETER SCHEUERER*
23. HOWARD SIMON
24. REPRESENTATIVE OF SCPD COMMUNICATIONS BUREAU**
25. MICHAEL O'GRADY

*PLAINTIFF OBJECTS: WITNESS NOT IDENTIFIED PURSUANT TO FED. R.CIV. 26

**PLAINTIFF OBJECTS: WITNESS NOT IDENTIFIED PURSUANT TO FED. R.CIV. 26.
PLAINTIFF HAS NO KNOWLEDGE AS TO THE IDENTITY OF THIS INDIVIDUAL, NOR
WHAT INFORMATION HE POSSESS CONCERNING THIS MATTER.

Does any juror know or recognize the individuals and/or their names which I have just listed for you?

The attorneys for the Plaintiff are the LAW OFFICES OF FREDERICK K. BREWINGTON, by: Frederick K. Brewington, Esq.

The attorneys for Defendants are OFFICE OF THE SUFFOLK COUNTY ATTORNEY, by: Arlene Zwilling, Esq.

Do any of the jurors know any of these attorneys? Have any jurors ever heard of any these attorneys?

Do any of the jurors know anyone who has ever worked for any of the attorneys or been a client of these attorneys?

Legal Matters

Do the jurors understand that this is a civil case and not a criminal case and that no one will go to prison as a consequence of the verdict herein?

On the other hand, do the jurors understand that the Plaintiff is asking to obtain money for damages done to her?

Can the jurors apply the law as given by the Judge in this case irrespective of what law may have been given to the jurors in any other case in which they may have served?

Does any juror own stock in any casualty insurance company?

Has any juror ever worked for a casualty insurance company?

Juror's Confidence in Own Fairness

Is there anything about this case that bothers you in any way?

If you are chosen in this case, do you know of any reason why you could not sit as an impartial juror?

If the situation were turned around would you want someone with the frame of mind that you presently have about what you've heard about this case sitting as a juror?

If you are chosen as a juror, will you stand by your own opinion based on the evidence that comes into the trial?

Will you let anybody shake your opinion? If you believe that the Defendant(s) is/are liable for the wrongful conduct, will you stick with your opinion?

If you are chosen as a juror in this case will you stand on your own individual analysis of the evidence and not be swayed by any emotions of other jurors?

Do you find it difficult to make up your mind who is right and who is wrong in a family dispute or a problem at the office?

When faced with a difficult decision, would you rather leave it to someone else so you won't be blamed if the wrong decision is made?

If the vote is such in the jury room that you are the only person holding a particular view, will you stand firm in your position and not be swayed by emotion and pressure?

Would you be embarrassed within your family/neighborhood or with your relatives if you brought a finding of liability against the Defendants?

Will you agree not to let political party affiliation cloud your judgment of the facts in this case?

Assuming that some loved one of yours were seeking compensation for violation of Civil Rights and failure of a Police Officer and/or the Polices to act reasonably, which caused injury and pain and suffering, would you feel satisfied with ten jurors of the same mind as yours to stand judgment in the case of your friend or loved one?

Is there anything that has been said about this case that creates in your own mind about whether you could be fair and impartial?

Would you feel embarrassed with and among your co-workers if you brought a verdict against the a police officer and/or the Suffolk County Police Department in this case, saying they violated the rights and used unreasonable force against Plaintiff?

Suffolk County Police's Officers Liability

Does anyone feel that they will be hesitant in rendering a full, fair and complete verdict because of some feeling that it may affect the County of Suffolk financially?

This is a lawsuit brought by a private citizen against certain police officers of the County of Suffolk alleging he was mistreated when they responded to a call made by another Officer. Do you feel that citizens who believe they have been treated illegally and unfairly should not bring suit against the wrong doers?

Do you believe that a person who complains that he or she has been a victim of constitutional violations is only trying to get attention?

Do you disapprove of the legal principle that the Plaintiff may recover damages from the Defendant if it is proved by the preponderance of the evidence that the Defendant deprived Plaintiff of rights protected by the Constitution and laws of the United States?

Do you feel that people should be compensated for the deprivation of their civil and legal rights?

Does any member of the jury hold the belief that mental anguish, conscious pain and suffering, fear, embarrassment, humiliation, if proved by the evidence, should not be compensated for in money damages?

If, after hearing the evidence and the instructions of the Judge, you find that the Defendant(s) had wrongfully injured the Plaintiff, would you hesitate to make them pay money damages?

If the Judge were to instruct you that such compensation in the form of a substantial amount was proper under the law, would you have any hesitation about making such an award if the evidence warranted and supported it?

Is there any member of the jury who has a belief, now, without having heard any evidence of the law, that Defendants should not be held responsible for the actions complained of even if the claims of the Plaintiff are proven?

Is there any monetary figure which you believe, in your mind, is too high, that you could not agree to award Plaintiff despite what the evidence supported and the Judge tells you?

Do you believe that a Police in a uniform, such as a police officer, is capable of acting wrongfully toward an individual and taking action to try and cover it up?

Do you believe that a police officer would not tell the truth in order to cover up for a wrong done by him/herself and/or another officer?

Do you believe that a person who complains that he or she has been a victim of mistreatment by police officers:

Is only trying to get attention?

Is actually trying to cover up for his/her failures?

Is trying to discredit the police officers?

Would any of the relationships you have mentioned cause you to sympathize with, give greater credibility to, or in any manner favor the Defendants because they, too, are law enforcement officers?

Do you think that members of the Police's Department should be given the benefit of a doubt when their conduct is challenged and there is a dispute arising out of their conduct?

Can you treat County of Suffolk officials and personnel from the Suffolk County Police's Department the same as you treat the individuals and other persons to this action?

Credibility of Witnesses

Would you have any problem with the law that says that a person who takes the witness stand, regardless of his or her profession, has equal dignity with any other person who takes the witness stand?

If the Plaintiff is unable to testify in this case, but statements of hers are provided to you, would you give those statements the same credence that you would give to any other witness?

Do you think that a person can be scared/frightened/coerced into giving testimony, directly/indirectly; and will you weigh all factors regarding an individual to determine whether the individual might be giving testimony which s/he believes to be true but which is indirectly or directly given in support of a position because of other factors such as interrelationships/mistaken testimony?

Dated: Hempstead, New York
May 19, 2023

THE LAW OFFICES OF
FREDERICK K. BREWINGTON


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